

REMARKS

Upon entry of the claim amendments, claims 1-5, 7, 9-22, 24-27, 29, 31-44, and 46-49 will be pending in the application. Claims 6, 8, 23, 28, 30, and 45 have been cancelled. Support for the amendments to claims 1, 25, 26, and 47 appears at, e.g., Table 3 of the specification. No new matter is added.

Rejections under 35 U.S.C. § 112, Second Paragraph

Claims 48-49 are rejected as indefinite. The claims have been amended to address the informalities noted by the Examiner.

Rejections under 35 U.S.C. § 103 (a)

Claims 1-21, 23-43 and 45-49 are rejected as unpatentable over the combination of U.S. Patent No. 4,557,935 ("Ekenstam") and WO/8703779 ("the '779 publication") in view of U.S. Patent No. 4,534,945 ("Hopkins"), U.S. Patent No. 5,078,672 ("Dougherty"), U.S. Patent No. 5,693,318 ("Burke") and S. Block, Disinfection, Sterlization and Preservation, Fourth Edition (1991) ("Block"). Claims 6, 8, 23, 28, 30, and 45 are cancelled with this amendment. Applicants traverse the rejection to the extent it is applied to the remaining claims as amended.

Independent claims 1, 25, 26 and 47, from which depend the remaining claims subject to the rejection, have been amended to require that the recited pharmaceutical composition have an initial pH of 4.6 to 5.1 and that the hydrogen peroxide in the composition retain 90% of its activity when stored for 770 days. The claims thus encompass only those compounds in Table 3 that the Examiner has acknowledged are non-obvious. The claim amendments also address the Examiner's concern that the claim scope be commensurate in scope with applicant's evidence of non-obviousness (see page 4, first full paragraph of the Office action).

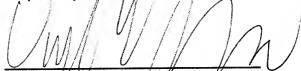
Claims 1-49 are rejected as being unpatentable over Ekenstam and the '779 publication in view of Hopkins, Dougherty, Burke, Block and Derwent abstract 1999-541010 ("Derwent").

Claims 6, 8, 23, 28, 30, and 45 are cancelled with this amendment. Applicants traverse the rejection to the extent it is applied to the remaining claims as amended.

The claims are non-obvious over the combination for the same reasons discussed above. There is no suggestion in this combination of references of a hydrogen peroxide-containing pharmaceutical composition with the stability now required by the claims.

On the basis of the foregoing amendment and remarks, Applicants submit that the pending claims are in condition for allowance and request a Notice of Allowance for same. A petition for extension of time accompanies this response. Please charge any fees due, or credit any overpayment of same, to Deposit Account 50-03111, Ref.: 28069-531001US.

Respectfully submitted,



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Dated: April 7, 2010